

REMARKS

This Amendment is in response to the Office Action dated January 28, 2008. Each of the issues in the Office Action is addressed below. Currently claims 1-12, 14 and 16-29 are pending in the application with claims 8-9, 11-12, 14 and 28 standing withdrawn.

Specification

The title of the application is asserted in the official action to be not descriptive. In response, Applicant has amended the title.

§102 Rejection

Claims 1-3, 17-25 and 29 were rejected under 35 USC §102(b) as being anticipated by Wijay et al. (US 4921483). A full account of the rejection is found on pages 2-3 of the office action.

With regard to claims 1-3, 17-22 and 29, although Application does not concur with the rejection, claim 1, on which claims 2-3, 17-22 and 29 depend, has been amended to further distinguish it from the cited reference.

With regard to claims 23-25, although Application does not concur with the rejection, claim 23, on which claims 24-25 depend, has been amended to further distinguish it from the cited reference. Applicant further disagrees with the assertion in the rejection that Wijay et al. disclose that “the second tubular layer and the shaft are incompatible for thermal bonding with one another”, as required by claim 23.

Referring to figure 3, the rejection states that “the distal waist and shaft are incompatible for thermal bonding because the two layers are not in contact with each other.” The fact that the distal waist and shaft are shown as not being in contact with one another does not mean that they are incompatible for thermal bonding. Figures 2 and 4 (shown below) show embodiments where the distal neck (waist) 32 of the balloon D is bonded directly to the inner body member (shaft) I. It is indicated in the reference that the balloon material and the inner body member material in figures 2 and 4 are the same as that of figure 3.

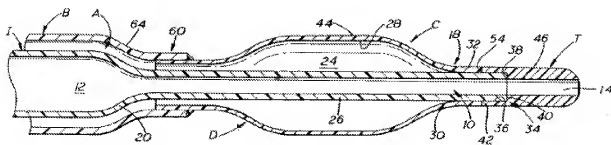


FIG. 2

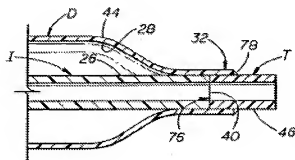


FIG. 4

It is stated at column 9, line 67, that “[t]he distal neck 32 of balloon D can be secured to elongated body or tip T in the manner shown in FIG. 6 or as previously described with regard to FIGS. 2 or 4. To obtain the lowest possible profile of catheter C for the embodiment employing elongated body E, it is preferred to use the mounting method illustrated in FIGS. 2 or 4 to secure the distal neck 32 of balloon D in the distal end 18 of the catheter C.” As such, it is not taught in the cited reference that the balloon waist is incompatible with the shaft for thermal bonding for the reason that the two layers are not in contact with each other because they are also shown in direct contact. Withdrawal of the rejection is therefore respectfully requested.

Claims 23-25 were rejected under 35 USC §102(b) as being anticipated by Schwab et al. (US 5769819). A full account of the rejection is found on page 3 of the office action.

Although Application does not concur with the rejection, claim 23, on which claims 24-25 depend, has been amended to further distinguish it from the cited reference. Withdrawal of the rejection is therefore respectfully requested.

§103 Rejections

Claims 4 and 6-7 were rejected under 35 USC §103(a) as being unpatentable over Wijay et al. in view of Larson et al. (US 6048338). A full account of the rejection is found on pages 4-5 of the office action.

The rejection fails at least for the reasons stated above in response to the rejection based on Wijay et al. Wijay et al. does not meet the claim limitations as described except for the spiral cut layer, as is asserted in the present rejection. Withdrawal of the rejection is therefore respectfully requested.

Claims 5 and 26-27 were rejected under 35 USC §103(a) as being unpatentable over Wijay et al. or Schwab et al. A full account of the rejection is found on page 5 of the office action.

The rejection fails at least for the reasons stated above in response to the rejection based on Wijay et al. or Schwab et al. Wijay et al. or Schwab et al. does not meet the claim limitations as described except for the specific disclosed materials, as is asserted in the present rejection. Withdrawal of the rejection is therefore respectfully requested.

Conclusion

In light of the above amendments and comments, the pending claims are believed to be in condition for allowance. Notification to that effect is requested. If the Examiner needs further information or wishes to discuss the present case, he is invited to contact the undersigned.

Respectfully submitted,

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